

1 DAVID T. BROWN, ESQ.
2 Nevada Bar No. 006914
3 BROWN BROWN & PREMSRIRUT
4 520 South Fourth Street, 2nd Fl.
5 Las Vegas, Nevada 89101
Phone: (702) 384-5563
Fax: (702) 385-1023
dbrown@brownlawlv.com
Attorney for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
vs.
ZACHARY SANNS,
Defendants.

2:20-mj-00482-NJK
**ORDER GRANTING
STIPULATION TO CONTINUE
PRELIMINARY HEARING**

14 **IT IS HEREBY STIPULATED AND AGREED**, by and between Nicholas A.
15 Trutanich, United States Attorney, and Christopher Burton, Assistant United States Attorney,
16 counsel for the United States of America, and David T. Brown, counsel for defendant, that the
17 preliminary hearing currently scheduled for August 28, 2020, at 4:00 p.m. be vacated and
18 continued to a date and time to be set by this Honorable Court but no sooner than thirty (30)
19 days.

This stipulation is entered into for the following reasons:

1. Counsel for the defendant needs additional time to review discovery, and
2 conduct investigation in this case to prepare for the preliminary hearing and determine
3 whether there are any issues that must be litigated prior to the preliminary hearing.
4

2. The Government has recently made an offer to try and resolve this matter and
5 the parties would like time to continue to discuss a potential resolution.
6

3. The parties agree to the continuance.
7

4. The defendant is currently not detained and does not object to a continuance.
8

5. The additional time requested herein is not sought for purposes of delay, but to allow counsel for defendant sufficient time within which to be able to effective and to work towards a favorable resolution of the case.

4 6. Additionally, there is good cause for continuing the preliminary hearing under
5 Federal Rule of Criminal Procedure 5.1(d) and denial of this request for continuance could
6 result in a miscarriage of justice. The additional time requested by this Stipulation is
7 excusable in computing the time within which the preliminary hearing, or filing of an
8 indictment or information herein must commence pursuant to the Speedy Trial Act, Title
9 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18,
10 United States Code, Section 3161(h)(7)(B)(i) and (iv).

11 7. This is the third stipulation to continue filed herein.

DATED this 18th day of August, 2020.

/s/
DAVID T. BROWN, ESQ.
Counsel for Defendant

/s/
CHRISTOPHER BURTON, ESQ.
United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,)
11 Plaintiff,)
12 vs.)
13 ZACHARY SANNS,)
14 Defendants.)

2:20-mj-00482-NJK

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

FINDINGS OF FACT

17 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
18 Court finds that:

19 1. Counsel for the defendant needs additional time to review discovery and
20 conduct investigation in this case to prepare for the preliminary hearing and determine
21 whether there are any issues that must be litigated prior to the preliminary hearing.

22 2. The Government has recently made an offer to try and resolve this matter and
23 the parties would like time to continue to discuss a potential resolution.

24 || 3. The parties agree to the continuance.

25 4. The defendant is currently not detained and does not object to a continuance.

26 5. The additional time requested herein is not sought for purposes of delay, but
27 to allow counsel for defendant sufficient time within which to be able to effective and to
28 work towards a favorable resolution of the case.

1 6. Additionally, there is good cause for continuing the preliminary hearing under
2 Federal Rule of Criminal Procedure 5.1(d) and denial of this request for continuance could
3 result in a miscarriage of justice. The additional time requested by this Stipulation is
4 excusable in computing the time within which the preliminary hearing, or filing of an
5 indictment or information herein must commence pursuant to the Speedy Trial Act, Title
6 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18,
7 United States Code, Section 3161(h)(7)(B)(i) and (iv).

8 ||| 7. This is the third stipulation to continue filed herein.

CONCLUSION OF LAW

10 There is good cause in continuing the preliminary hearing and the ends of justice served
11 by granting said continuance outweigh the best interest of the public and the defendant in a 1,
12 since the failure to grant said continuance would be likely to result in a miscarriage of justice,
13 would deny the parties herein sufficient time and the opportunity within which to be able to
14 effectively and thoroughly prepare for the preliminary hearing, taking into account the exercise of
15 due diligence.

16 The continuance sought herein is excusable under Federal Rules of Criminal Procedure
17 5.1(d) and the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(7)(A), when
18 considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and (iv).

19 **IT IS FURTHER ORDERED** that the preliminary hearing currently scheduled for
20 Friday, August 28, 2020, at the hour of 4:00 p.m. be continued to continued to
21 September 29, 2020, at 4:00 p.m., in Courtroom 3C.

DATED this 18th day of August , 2020.

THE HONORABLE NANCY J. KÖPPE
United States Magistrate Judge